



Thank you for taking the time to review my case. Thank you for taking the time to dismissed my case now I can take you, this Court into the international Criminal Court for/against this action of INJustice.

- 1.) Why is this document does not have the seal of the Court of Clerk?
- 2.) Since there's no seal of the federal Court and Office of the Court of Clerk I see this document as a fraud just due to such evidence that you Mail me I have all the lawful right to sue you, your Court & every order & defendants in the International Court.
- 3.) your systems proving How Corrupted indeed it is taking side against judges dismissal of all Constitutional Law's that's was place by the pale-faces so called for-father's laws for justice, indeed show the bias(es) of/in this Court the systems. In this Corporation so call, America, a copy of your dismissal will be send to the justice Department and I demand the bonds, Insurance's & license's of this judge who made such a dismissal & S.P.P. failure to provide me with such document will lead me to file an international lien against the judge, this Court the systems & everyone who work for such

and failure to provide the judge who made this Dismissal
Ruling under the hand and Enter the F.O.I.L. Day
in title of such documents of the Judge, I want
the oath of office for the Judge, the bond, Insurance
and license of this judge who made this dismissal
decision. Under the Freedom of Information Act
U.S. Code § 552 I demand this judge information
this Court have 15 day to mail me this judge
oath of office, bonds, license, Insurance failure
to do so within 15 day will be a violation of the
Freedom of information act title 15. Further more
Next, fine your Court mail me any harmful documents
must be Seal by the Clerk of the Court, Notarize.
This Dismissal is Not a lawful Dismissal. In addition
to this legalism that you the Judge quote into this illegal
Dismissal document is what it is nothing but Legalist
its not a Constitutional Law, not a proper form of
Dismissal. There are laws, there are legalist
this bullshit Law quoting in this document its bullshit
of legalist - by no having such evidence not
all my evidences are complete to move this case
into the International Criminal Court for Crime
wrong doing - also into the Aborigine Indigenous
Court, and into the United Nations Court.
This is on handwriting aff.avit of my Respond to the
Case # 14-cv-2977 (Lap) that so called Chief
Loretta A. Presko whose Chief United States
District Judge for the United States District Court
Southern District of New York - federal Court
New York, New York
7/4/14
Delores Green
07-04-2014
DELORES GREEN
Notary Public, State of New York
No. 31-4527811
Qualified in New York County
Commission Expires 07/04/2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NAN TERRIE,

Plaintiff,

-against-

SUPREME COURT OF NY, NY; JUDGE
DORIS LING-COHAN; JUDGE
MARGARET A. CHAN,

Defendants.

14-CV-2977 (LAP)

ORDER OF DISMISSAL

LORETTA A. PRESKA, Chief United States District Judge:

Plaintiff, appearing *pro se*, brings this action alleging that Defendants violated her civil and constitutional rights in an action before the New York State Supreme Court, New York County. By order dated May 9, 2014, the Court granted Plaintiff's request to proceed *in forma pauperis*. The Court dismisses the complaint for the following reasons.

STANDARD OF REVIEW

The Court has the authority to screen *sua sponte* an IFP complaint at any time and must dismiss the complaint, or portion thereof, that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998). While the law mandates dismissal on any of these grounds, the Court is obliged to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the "strongest [claims] that they suggest," *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474-75 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in original).

BACKGROUND

Plaintiff, who in 2013 had an action before the New York State Supreme Court, New York County, alleges misconduct, corruption and unfairness by two state court judges – Defendants Ling-Cohan and Chan. Plaintiff claims that the judges were biased and broke their oaths of office. She brings this action seeking to remove them from their posts.

DISCUSSION

A. Section 1983 Claims

Section 1983 provides redress for a deprivation of federally protected rights by persons acting under color of state law. 42 U.S.C. § 1983; *Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 155-57 (1978). To state a claim under § 1983, a plaintiff must allege both that: (1) a right secured by the Constitution or laws of the United States was violated, and (2) the right was violated by a person acting under the color of state law. *West v. Atkins*, 487 U.S. 42, 48 (1988). Because Plaintiff brings this action alleging violation of her civil and constitutional rights by state actors, the complaint is construed liberally as being brought under § 1983.

B. New York State Supreme Court, New York County

The Eleventh Amendment bars from federal court all suits by private parties against a state unless the state consents to such a suit or Congress has validly abrogated its immunity. *See Bd. of Trs. v. Garrett*, 531 U.S. 356, 363-64 (2001); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 98-100 (1984). A state's immunity extends to state agencies such as the New York State Unified Court System, of which the New York State Supreme Court, New York County, is a member. *See Alabama v. Pugh*, 438 U.S. 781, 782 (1978)(*per curiam*); *Zuckerman v. Appellate Div.*, 421 F.2d 625, 626 (2d Cir. 1970).

Because neither the State of New York nor its agencies have consented to be sued in federal court under § 1983, and Congress has not abrogated the state's immunity, *see Trotman v. Palisades Interstate Park Comm'n*, 557 F.2d 35, 40 (2d Cir. 1977), Plaintiff's claims against the New York State Supreme Court, New York County, are barred by the Eleventh Amendment. *See* 28 U.S.C. § 1915(e)(2)(B)(iii).

C. State Court Judges

Plaintiff's claims against the two state court judges must also be dismissed. Judges are absolutely immune from suit for judicial acts performed in their judicial capacities. *Mireles v. Waco*, 502 U.S. 9, 11 (1991) (per curiam) (“[J]udicial immunity is an immunity from suit, not just from the ultimate assessment of damages.”) (citations omitted). Here, Plaintiff seeks to bring claims against the two state court judges for actions taken in their judicial capacity. The claims against the two judges therefore must be dismissed under the doctrine of judicial immunity. *See* 28 U.S.C. § 1915(e)(2)(B)(iii).

D. Rooker-Feldman Doctrine

Even if Plaintiff had named a defendant who was amenable to suit under § 1983, to the extent she seeks to challenge underlying decisions in her state court case, her claims are barred under the *Rooker-Feldman* doctrine. The doctrine – created by two Supreme Court cases, *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923), and *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482-86 (1983) – precludes federal district courts from reviewing final judgments of the state courts, except for constitutional challenges raised on direct appeal to the United States Supreme Court and reviews pursuant to an application for a writ of *habeas corpus*. *See* 28 U.S.C. § 1257(a) (the United States Supreme Court has the sole and exclusive power to review a state court's judicial decisions). In other words, district courts are barred from

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deciding cases “brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *see Green v. Mattingly*, 585 F.3d 97, 101 (2d Cir. 2009) (noting the four requirements requiring application of the *Rooker-Feldman* doctrine).

In the instant action, Plaintiff (1) alleges that she lost in state court; (2) “complains of injuries caused by [a] state-court judgment;” (3) asks this Court to review and reject the state court’s judgment; and (4) alleges that the state court judgment was rendered before she filed her case in this Court. *Green*, 585 F.3d at 101. Under the *Rooker-Feldman* doctrine, this Court is barred from hearing the claims that have already been decided by state court or that are “‘inextricably intertwined’ with issues that have already been decided, by a state court.”

Mitchell v. Fishbein, 377 F.3d 157, 165 (2d Cir. 2004) (quoting *Bridgewater Operating Corp. v. Feldstein*, 346 F.3d 27, 29 (2d Cir. 2003) (*per curiam*) (internal quotation & citation omitted)).

In addition, Plaintiff may not seek “reversal of a state court judgment simply by casting [her] complaint in the form of a civil rights action.” *Brooks-Jones v. Jones*, 916 F. Supp. 280, 281-82 (S.D.N.Y. 1996) (internal quotation & citations omitted). Accordingly, to the extent Plaintiff seeks review of a state court judgment, her claims are dismissed. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

E. Warning to Plaintiff

Plaintiff has recently filed several actions in this Court relating to her proceedings in several state court actions. *See Terrie v. Hous. Court*, No. 14-CV-2969 (LAP) (S.D.N.Y. filed April 23, 2014) (pending complaint alleging claims relating to housing court action); *Terrie v. The Tenant Ass’n.*, No. 14-CV-2448 (LAP) (S.D.N.Y. Apr. 28, 2014) (denying request to remove

action from housing court because of failure to comply with statutory removal procedure); *Terrie v. City of NY*, No. 14-CV-2070 (LAP) (S.D.N.Y. Apr. 23, 2014) (denying request to remove action from New York State Court of Claims because of failure to comply with statutory removal procedure); *Terrie v. HPD & HPD Parties*, No. 13-CV-3419 (LAP) (S.D.N.Y. Jan. 22, 2014) (dismissing after failure to amend claims to establish subject matter jurisdiction over claims relating to action in the New York State Supreme Court); *Terrie v. NYPD*, No. 13-CV-4849 (LAP) (S.D.N.Y. Aug. 1, 2013) (dismissing complaint because claims duplicative of those in pending case under docket number 13-CV-3419 (LAP)). The Court cautions Plaintiff that the continued filing of actions that are found to be without merit may result in her being barred from filing new actions *in forma pauperis* in this Court without prior leave of the Court.

CONCLUSION

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. Plaintiff's complaint, filed *in forma pauperis* under 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(i), (ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED:

Dated: May 27, 2014
New York, New York


LORETTA A. PRESKA
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NAN TERRIE,

Plaintiffs,

-against-

SUPREME COURT OF NY, NY; JUDGE
DORIS LING-COHAN; JUDGE
MARGARET A. CHAN,

Defendant.

14-CV-2977 (LAP)

CIVIL JUDGMENT

Pursuant to the order issued on May 27, 2014, dismissing the complaint,

IT IS ORDERED, ADJUDGED AND DECREED that the complaint is dismissed under 28 U.S.C. § 1915(e)(2)(B)(i), (ii), (iii). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this judgment to Plaintiff and note service on the docket.

Dated: May 27, 2014
New York, New York



LORETTA A. PRESKA

Chief United States District Judge

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.